

Wildlife Act Review

Issues Paper questions – Response 12:

Contributor: Individual

Primary interests:

- Protection and conservation of wildlife and habitat
- Wildlife welfare
- Rehabilitation of sick and injured wildlife

Question responses

1.1.1 In what ways does the Act succeed or fail in representing contemporary expectations for, and values relating to, wildlife in Victoria? Please provide examples from your own experience.

The commercial harvesting of kangaroos is a clear example of the Act failing in its duty to protect our native wildlife. Farmers culling overabundant kangaroos is one thing - the commercialisation of the killing of kangaroos, often at night in conditions where their welfare outcomes cannot and are not known, is quite another. Farmer culling is defined as a "last resort" after all non-lethal methods have failed. Obviously commercial harvesting is not the same. The shooters and the government have financial interests in this practice that means they should not be involved in assessing whether or not this practice should continue. The government's own review into the "trial" kangaroo pet food culling indicated that the massive increase in permits issued indicated an issue with this practice. These are sentient beings and we are in a biodiversity crisis. There are numerous scientific reports to support this stance. The last thing that the government should be doing is commercializing the killing of native wildlife of any kind, or destroying the habitat of the wildlife we have left. What they should be doing is getting rid of all non-native pest species (horses, deer, pigs, weeds) so that our native animals and plants can recover and prepare as best is possible for the challenges of climate change to come

1.1.2 Are there conflicts between the interests or expectations of different stakeholders or community members regarding wildlife in Victoria? Please provide examples from your own experience.

Yes farmers see pests if wildlife such as kangaroos or wombats cause any level of destruction on their land. In actuality, kangaroos would rather not reside with sheep, and it is the loss of habitat due to broadacre farming that has caused much of the problem in this state. In addition, removing dingoes has removed their only natural predator, upsetting the natural ecosystem. Sheep can be protected from dingoes with livestock guardian dogs such as Maremma sheepdogs. In their native lands they protected sheep from wolves. Farmers in Australia refuse to work with the land, and constantly fight against it. It is no wonder Australia is desertifying at such an alarming rate and our rivers are dying. Governments must act before it is too late. Shooters have a financial interest in destroying wildlife, and should not be party to discussing the science of their survival and protection. The Australian Veterinary Association, of which I am a member, recommends all recreational shooting be banned on animal welfare grounds. Is this government happy with condoning animal cruelty to make money?

1.1.3 How can the Act balance the diverse interests of Victorians in protecting, conserving, managing and using wildlife? How might such competing interests be better reconciled in

legislation? Are there examples from other sectors or other jurisdictions (both in Australia and internationally) that may be useful?

Using wildlife. What does this mean? Wildlife deserves protection and conservation. We are talking about sentient species. They should not be "used" for entertainment or profit when the "use" you are referring to is a painful death or even worse, slow painful death due to gunshot, or starvation after the killing of a mother animal in the case of joeys. The Wildlife Act should NOT be exempt from the Prevention of Cruelty to Animals Act. Our native wildlife are animals and just as sentient as other animals. To allow them to be exposed to cruelty we do not allow elsewhere is abhorrent and cannot be justified in this age

1.2.1 Are the current purposes of the Act satisfactory? If not, what should the desired outcomes, objectives or purposes of the Act be? How should the objectives and purposes of the Act relate to the desired outcomes? How would they ensure desired outcomes are achieved?

1.2.3 Are there examples of well designed legislation from other jurisdictions (both in Australia and internationally) with clearly stated objectives and purposes that could inform Victorian law?

Go to the European Union for clear legislation on Preventing Cruelty to Animals. Wildlife is protected and is being reintroduced to countries where it has been absent for decades (eg wolves, bears etc) This is called rewilding, and aims to bring natural balance back to ecosystems. Victorian law (like all Australian jurisdictions) is decades behind in animal welfare and wildlife protection. If hunters wish to hunt, they can do what they do in Europe, and hunt scent trails, without involving actual live animals. The killing of animals for sport is barbaric

1.3.1 Is the Act a barrier to self-determination for Traditional Owners or Aboriginal Victorians? If so, what specific elements give rise to barriers and how might these barriers be reduced or eliminated?

Yes, but there should not be any exception to the Prevention of Cruelty to Animals Act - not for harvesting or hunting native wildlife or other animals. Not for religion. Not for sport. Not for traditional reasons. It is cruel and inflicts fear and pain on sentient creatures. We know better and we should not do it for any reason. Feral and pest species should be removed by the most humane means available. Currently this is aerial shooting by professionals. There is much research going in to control via reproductive means, which is a much more humane method and will hopefully be available to jurisdictions soon

1.3.2 Should the Act recognise the cultural significance of Country and wildlife to Traditional Owners and Aboriginal Victorians? Should the Act explicitly recognise the value of Indigenous Ecological Knowledge for the stewardship of Country and the conservation of wildlife?

Yes. Stewardship and conservation absolutely. Killing and hunting wildlife no

1.3.3 Should the Act prescribe a role for Traditional Owners and Aboriginal Victorians as key partners in decision making about conserving wildlife? What could that role look like?

Yes. Indigenous rangers could help protect wildlife from illegal hunting, for example

1.3.4 Should the Act afford additional protection and the ability to return species to country because of their cultural significance?

Yes most definitely

1.3.5 Does the Act provide appropriate mechanisms for Traditional Owners and Aboriginal Victorians to use wildlife? Should the Act support commercial use of wildlife by Traditional Owners and Aboriginal Victorians?

No that is again allowing cruelty to animals and although it may be traditional it is unable to be justified in a modern context given what we know about the sentience of animals and the suffering this causes

1.4.1 Should the Act prescribe a general duty of care related to wildlife conservation or biodiversity protection more broadly? Why or why not? How could it work in practice?

Yes. All native wildlife should be given protected status with real life meaning, not just on paper as it is now. Biodiversity must be protected better than it is now, and we must stop destroying endangered species habitat. This means no more logging of old growth forest habitat. This is an urgent priority if we are to stop more of our wildlife - including the state faunal emblem - from becoming extinct within a generation. In practice, there will be jobs in regenerating wild areas, removing weed/pest species and rewilding. There will be a much expanded need for park rangers and wildlife protection officers. Jobs will be created, much as they were in the protection of wildlife in Africa.

1.5.2 Should any additional animal species or taxa (groups of species) be included in the definition of 'wildlife' or 'protected wildlife'? Should any species or taxa be excluded and therefore be exempt from some provisions in the Act?

All native animals and all native plants should be included in the definition of protected wildlife. No wildlife should be able to be hunted or killed by anyone except professional hunters (such as employed for kangaroo culls in ACT) and no recreational hunting of native animals should occur. Recreational hunting is cruel by nature, and as recommended by Sentient, the AVA and others, this practise should be banned. The exemption from the Prevention of Cruelty to Animals Act should be removed. Money and jobs should go into habitat restoration and rewilding, along with conservation efforts for endangered and threatened species. We should value what is uniquely Australian before it is gone forever. We have the worst rates for loss of biodiversity, extinctions and habitat loss in the developed world, and this is not something to debate, but something to be ashamed of.

1.5.3 Should 'game' animals be defined as wildlife in the Act or defined some other way or excluded from the Act entirely?

There is no such thing as "game" animals. Animals are either native, or introduced to this environment, and therefore feral, or pest species. Managing introduced species as game animals is damaging to our native habitat and wildlife, and the government does this solely for profit. Introduced species should never be included in the Wildlife Act, as they are not native, therefore not wildlife. They are introduced pests, and should be eradicated from the landscape.

2.1.1 Do you have any comments on the interactions between the Wildlife Act and other legislation?

Yes. The exemption of the Wildlife Act from the Prevention of Cruelty to Animals Act is disgraceful and should be removed. Our wildlife deserve better

2.1.2 Should wildlife, flora and fauna generally be regulated by a more inclusive statute?

Native flora and fauna are wildlife, they exist in an ecosystem that functions only when it exists, and is treated, as an integrated whole

2.1.3 Should game management be regulated under its own Act? What are the advantages and disadvantages of such an approach?

Game management should not exist at all. It certainly should not be part of the Wildlife Act. Introduced species are pests in the natural Australian environment, they cause extensive damage to ecosystems and they should be eradicated, not managed for profit and entertainment. All recreational hunting should be banned on welfare grounds, as per the Australian Veterinary Association.

2.2.1 How do regulatory differences between states help or hinder wildlife management? Please provide examples from your own experiences.

There is a federal Environment Protection Act that currently lacks the ability to do or protect anything. An overhaul is needed so that Australian flora and fauna are actually given full protected status and regenerative and protective measures are introduced with federal powers to enforce them. This would help reduce this issue The Act already requires farmers to attempt all non-lethal measures before resorting to lethal control measures. Strengthen the Act so that this is enforced. This would help increase protections across land tenures

2.3.1 In what ways does the Act succeed or fail in protecting and conserving wildlife habitat? Please provide examples from your own experience.

It is failing in every way. Flora is native Australian habitat which is vital to the survival of native wildlife. Together they make up an ecosystem, and the Wildlife Act must recognise the importance of the ecosystem for the survival of wildlife. For example, VicForests has been shown to be logging illegally time and time again, threatening the habitat of some of our most endangered possums. The Federal Act has no power to stop this, and the Victorian government has been unwilling to do anything to protect these vulnerable ecosystems. This must change The Act must be strengthened to recognise that habitat must not only be protected, but conserved!

2.3.2 How should the Act provide for the protection and conservation of wildlife habitat?

As I have previously described, indigenous and non-indigenous experts and rangers as well as wildlife officers should be directing the protection and regeneration of ecosystems. This involves removing non-native species (plants and animals), revegetation, rewilding and monitoring. Some areas may require fencing to protect endangered species initially. The Act should empower this and ban activities such as hunting and logging that are detrimental to the aims of wildlife conservation

2.3.3 Should the Act prescribe duties for landowners about protecting and conserving wildlife and wildlife habitat on their land? What could those duties look like?

There are some - such as using non-lethal means of kangaroo control - but they are not enforced. Employ people! Enforce these provisions! Educate farmers! Bring people along on the journey of conservation! If you think it is too hard, talk to the Greens in parliament, I am sure they and the scientists who have worked on this for decades can help! There should be duties prescribed about protecting habitat (a certain percent) when it is present already, when it is adjacent to habitat off the landowner's holding etc. About allowing access for workers or volunteers (eg ACF, Birdlife Aust or a multitude of NFPs you could work with) to enter and aid in regenerating habitat. All they have to do is let it happen

2.4.1 Do property rights related to wildlife need clarifying? If so, how?

Wildlife is not property. Wildlife belongs to the Australian people, and is a natural asset. They are also sentient beings, and should be recognised as such

2.4.2 Should private landowners have greater rights to use of wildlife on their property?

No they should have less rights for the above reasons

2.4.3 Should the Act recognise sentience of some wildlife and, if so, what would this achieve? How would this recognition affect the rights and responsibilities of governments, businesses and individuals?

Yes, because they are sentient, and so it is the correct and moral thing to do. What would this achieve? What do you mean??? They are sentient, so denying it is putting your head in the sand! Denying a being's innate sentience for your own convenience or profit is absolutely repugnant and intolerable. You cannot deny something that is true because you don't like it, or it is inconvenient, or it makes things hard for you. It is like denying climate change. The sentience of animal life is a fact, so get on and recognise it!!!! The responsibilities of everyone would be to start treating animals as they should be treated - as sentient beings that feel fear, pain etc and stop using them for entertainment and for individual gain as though they were inanimate objects. We all need to recognise that animal welfare is important FOR ALL ANIMALS not just the non-native ones and start acting accordingly.

2.4.4 What rights and responsibilities should Traditional Owners and Aboriginal Victorians have related to wildlife?

The same as anyone else, except where they are employed (paid and/or where it is something they are doing on country as custodians) to protect and conserve those animals

3.1.1 Should the Act include statements of principle and criteria to guide regulators, duty holders and the public? Why are such principles important? If you do support including principles, what do you think they should be and why?

Yes, principles are important. It is important to recognise the value of conserving our wildlife as the heritage of our country. It is important to recognise the sentience of wildlife and the importance of treating all animals with respect and care

3.2.1 Should the Act include provisions for consultation with the community on certain issues? What issues should undergo community consultation?

Not really as it doesn't currently facilitate much wildlife conservation, does it Community consultation is not the best way to achieve appropriate outcomes - eg broadacre cropping has driven kangaroos in this area onto roadside verges. To the community, it seems like there are a lot more kangaroos around. Community consultation may therefore call for a cull. Consultation with farmers would indicate issues with feral pigs from nearby state forests is actually more of a problem for them. What is needed is monitoring and expert advice from local universities and people who are qualified to comment. Why is scientific advice so disregarded these days? These experts can explain to community groups what is actually happening, but asking the community what needs to happen is not the way to go (eg brumby management - the community has very little understanding of the damage the horses are doing)

3.2.2 How can community involvement in decision making under the Act be improved?

Present expert evidence and advice to communities. Involve them in that they are educated on the issues, not dictated to. Explain with reason and evidence.

3.2.3 Are there currently barriers to private sector actors having meaningful involvement in wildlife management and conservation in Victoria? What are those barriers and what problems do they create for achieving the objectives of the Act? How might any such barriers be removed or minimised?

I am not sure why private actors should be involved if they are for profit. Plenty of not-for-profits are willing to get involved, and just need guidance from experts as to what needs doing - eg Conservation and Wildlife groups can weed, put up nesting boxes, monitor for scat, monitor for birdcall etc and count plant species. They just need a bit of training. Make use of the massive community goodwill out there. There are also plenty of jobs in a post-pandemic "green recovery" world in academia, conservation and regeneration of habitat

3.3.1 Should the Act enable wildlife management plans? What provisions should be included for such plans?

Yes these should be put into the Act and they should be reviewed every 2 years. And acted on!

3.4.1 Should the Act simplify and clarify the provisions relating to the various licences, permits and authorities? Is there scope to reduce regulatory burden without undermining the intended outcomes of the Act?

There should be no culling permissions except for professional hunters for introduced species removal and culling in exceptional circumstances. No kangaroo culling should occur without actual monitoring of numbers (not computer modelling) No recreational hunting should occur. This makes things much simpler

3.5.1 Is the Act transparent about who pays for regulatory services?

The government does. Otherwise there is a conflict. And with commercial harvesting of wildlife and wildlife habitat there is a conflict anyway, which needs to be removed

3.5.2 Is full cost recovery appropriate, or should fees for some licences and activities be subsidised? What role is there for user pays or beneficiary pays principles? What, if any changes, should be made and why?

No, conservation of wildlife benefits all Australians, and should be provided for by taxation in general. User pays suggests profit making or similar from native wildlife, which it has been established are sentient. They are also in need of protection under the Act, and should not be subject to use for commercial purposes. People need to learn to live with wildlife not destroy them like lice when they are annoyed with them

3.6.1 Should the Act contain provisions that allow for issuing mandatory codes of practice, standards or guidelines?

Yes it should

3.6.2 What activities could most benefit from the development of mandatory codes or standards?

Protection of habitat, regeneration of ecosystems and prevention of illegal killing of wildlife.
Protection of wildlife as sentient beings

4.1.1 Does the Act require an adequate degree of transparency about, and accountability for, decision making on matters relating to wildlife? If not, how could this be improved? For example, which activities/decisions/criteria should be more transparent? Which parties should be more accountable and for what?

Yes. At the moment there are conflicts of interest and no accountability when laws are broken - eg VicForests

4.2.1 Should the Act include provisions that require and enable establishment of a scientific advisory committee or advisory panels to provide expert guidance to key decision makers such as the Minister, the Secretary or the regulator on specific matters relating to wildlife? Why or why not? What other approaches are available?

Yes. All policy should be evidence based. This is the most fundamental of principles (and why I am a Green) There are so many experts working in this field in academic institutions and in the field. But you just ignore them for your own popularity and your own profit. It's disgusting

5.1.1 Should the Act include other offences?

No compliance is not enforced. Kangaroos are left to die slowly, joeys are left in pouches to starve, females are shot without care. The system for just kangaroo culling is a disgrace. If you want to get onto ducks, well let's look at how many ducks are shot and left to slowly die. And swans, pelicans, anything that flies gets shot. Duck opening we used to have pellets landing on the roof of our farm. Never seen anyone policing anything in 40 years! Prevention of Cruelty to Animals is non-existent and it is reprehensible

5.1.2 Should any offences be repealed?

No

5.2.1 Are the maximum penalties in the Act adequate to punish and deter offenders? If not, what should they be?

No not at all. They should be increased, and they should be ENFORCED

5.3.1 Should the Act contain general provisions creating continuing offences and allowing for additional penalties?

Yes definitely

5.4.1 Should the Act contain provisions to permit community impact statements relating to the harm caused to wildlife?

Yes. Community groups that are provisioned under the Act (eg ACF) that are monitoring sites should be able to report on any harm that occurs within those sites. The community, in general, can report offences under the Prevention of Cruelty to Animals Act, but the exemption from the Wildlife Act must be removed, and the funding for investigating and prosecuting cases must urgently be increased There is no point in having provisions if there is no ability to act on them

5.4.2 Should the Act contain specific provisions to guide sentencing of offenders convicted under the Act?

At least equal to those under PCAA, or incorporate the PCAA to include offences to Wildlife Other offences should have minimum sentences set and should be sufficient to act to deter

5.5.1 Should the Act contain civil penalty provisions? If so, what penalties should be included? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?

Yes

5.5.2 Should the Act allow for infringement notices for minor offences? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?

Yes

5.5.3 Should the Act contain provisions enabling regulators to enter into enforceable undertakings? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?

Yes

5.5.4 Should the Act contain provisions allowing for compensation orders or mandated bonds/financial assurances? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?

Yes

5.5.5 Should the Act contain provisions allowing for the making of costs orders? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?

Yes

5.5.6 Should the Act contain provisions allowing for the making of a monetary penalty order? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?

Yes

5.5.7 Should the Act contain specific provisions to allow for the forfeiture of property used in the commission of an offence under the Act? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?

Yes

5.5.8 Does the Act contain adequate regulatory tools, sanctions and remedies to punish and deter wildlife crime? If not, what additional tools, sanctions and remedies should be included within the Act?

No it needs to be much much stronger, it is currently no deterrent at all.

5.6.1 Does the Act contain the necessary powers and provisions to enable authorised officers to enforce the Act? What powers and provisions should be available to authorised officers? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?

Give them all the power they need, equivalent to RSPCA inspector

5.7.1 Does the Act provide appropriate provisions for the review and appeal of decisions?

Don't know

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